

REMARKS

Claims 1-11 are currently pending. By the present amendment, Applicant has amended claims 1 and 5-7 and has canceled claims 4 and 9-11 without prejudice or disclaimer. Support for this amendment can be found throughout the specification, specifically on page 19, lines 1-11 of the specification and Figure 1. No new matter has been added by way of this amendment. Applicant respectfully requests reconsideration of the application in view of the above amendment and following remarks.

CLAIM REJECTIONS – 35 U.S.C. § 112

1. Claims 1-4, and 9 have been rejected under 35 U.S.C. § 112, second para., for being indefinite for allegedly failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Specifically, the Office Action states that it is not clear what Applicant “claims as the ‘movement restricting parts,’ as he has not shown it in the Figures or explained in the Specification what parts or part of the assembly as shown in Figure 1 of the invention are regarded as ‘movement restricting parts.’” [See 9/20/06 Office Action, p. 2].

In response, Applicant has amended claim 1 to recite, *inter alia*, “movement restricting means which is composed of a movement restricting part and a contacting part.” Applicant believes that this amendment remedies the alleged indefiniteness of claims 1-3. Withdrawal of the rejection under 35 U.S.C. § 112, second para., is therefore respectfully requested.

CLAIM REJECTIONS – 35 U.S.C. § 102

2. Claims 1-11 have been rejected under 35 U.S.C. § 102(b), as allegedly being anticipated by Ota et al. (U.S. Pat. No. 6,547,533). Applicant respectfully submits that amended independent claim 1, as well as the claims directly or indirectly dependent therefrom, are patentably distinct from the cited reference. With respect to claims 4 and 9-11, Applicant has canceled the claims and therefore has rendered moot the Examiner's rejection of those claims.

Amended independent claim 1 recites, *inter alia*,

A method of adjusting a rotary machine . . .
comprising the steps of:

press-fitting the adjustable member to one of the
housing and the rotary body,

pressing the rotary body through the adjustable
member to a reference position at which the
movable amount of the rotary body becomes zero;
and

adjusting the movable amount of the rotary body in
the direction of the rotary axis to the predetermined
amount by varying a position of the adjustable
member from the reference position by pressing the
exposed portion of the rotary body against the
adjustable member in a direction in which the
movement restricting part and the contacting part
move away from each other.

Ota et al., does not disclose, teach or suggest the claimed subject matter. Ota et al. discloses a "piston type compressor that requires no spring for urging a drive shaft, and an assembly method for the same." [Ota et al., col. 2, ll. 51-53]. The assembly method of the compressor disclosed by Ota et al., however, is silent as to a "method of adjusting a rotary

machine” as recited in amended claim 1. The assembly method disclosed by Ota et al. is merely for “a procedure [in which] the restriction member 51 is press-fitted into the accommodation hole 12a of the cylinder block 12 using a jig 61.” [Ota et al. col. 8, ll. 7-9]. Nothing in Ota et al. teaches or suggests a “method of adjusting a rotary machine” including the steps of “press-fitting the adjustable member,” “pressing the rotary body . . .,” and “adjusting the movable amount of the rotary body,” as recited in amended claim 1.

Thus, Applicant submits that amended independent claim 1 is patentably distinct from Ota et al. Accordingly, Applicant believes that claims 2-3 and 5-8, which depend directly or indirectly from amended independent claim 1, also define patentable subject matter. Applicant, therefore, respectfully requests this ground of rejection be withdrawn.

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Response Dated February 20, 2006
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Docket No. 5095-4077

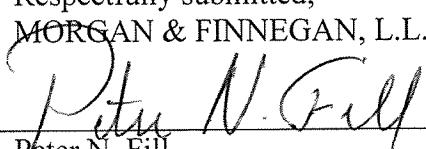
CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 5095-4077. A DUPLICATE OF THIS DOCUMENT IS ATTACHED.

Dated: February 20, 2007

Respectfully submitted,
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